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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 18th November, 2024.

No.LL(B).67/2024/1. – The Meghalaya Private Medical Institution Including Institutes Under Private University (Regulation of Admission, Fixation of Fees and Reservation) Ordinance, 2024 (Ordinance No. 4 of 2024) is hereby published for general information.

MEGHALAYA ORDINANCE NO. 4 OF 2024

Promulgated by the Governor on the 15th November, 2024.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 18th November, 2024.

THE MEGHALAYA PRIVATE MEDICAL INSTITUTION INCLUDING INSTITUTES UNDER PRIVATE UNIVERSITY (REGULATION OF ADMISSION, FIXATION OF FEES AND RESERVATION) ORDINANCE, 2024

An Ordinance

to provide for the regulation of admission, fixation of fees and reservation in the Private Medical Institution including Institutes under Private University in the State of Meghalaya and other matters connected therewith or incidental thereto.

Whereas, the Legislative Assembly of Meghalaya is not in session and the Governor is satisfied that the circumstances exist which render it necessary for him to take immediate action;

Now therefore, in exercise of the power conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Meghalaya is pleased to promulgate in the Seventy fifth year of the Republic of India, the following Ordinance, namely, —

Short title, extent and commencement

1. (1) This Ordinance may be called the Meghalaya Private Medical Institution including Institutes under Private University (Regulation of Admission, Fixation of Fees, and Reservation) Ordinance, 2024.
- (2) It extends to the whole of the State of Meghalaya.
- (3) It shall come into force from the date of Publication in the Official Gazette.

Definitions

2. (a) **"Appellate Authority"** means the Commissioner & Secretary to the Government of Meghalaya, Health & Family Welfare Department as specified under Clause 13 of the Ordinance;
- (b) **"Capitation fee"** means fee charged beyond the regular tuition and official fee.
- (c) **"Common Entrance Test"** means a National Eligibility & Entrance Test (NEET);
- (d) **"Council"** means a professional council pertaining to any health sciences discipline, constituted under any Act, Ordinance, Rules and Regulations of the Central Government or any State Government;
- (e) **"Fee"** means a charge received by a Private Medical Institution including Institutes under Private University from a student in any manner or under any nomenclature as a condition for studying in that institution;
- (f) **"Management Category"** means a category to a portion of seats within the sanctioned intake of a Private Medical Institution including Institutes under Private University, as allocated by the State or Central Government, or any statutory/regulatory body, through a notification or the Official Gazette. These seats shall be filled by the institution in a fair and transparent manner, based on *inter-se* merit, determined by a NEET in accordance with the provisions of this Ordinance;
- (g) **"Medical Course"** means Bachelor of Medicine and Bachelor of Surgery (MBBS);
- (h) **"Notification"** shall mean a notification published, under proper authority, in the Official Gazette;
- (i) **"Official Gazette"** shall mean the Gazette of Meghalaya;
- (j) **"Private Medical Institution"** means an institution not promoted or run by the Central Government, State Government or Union Territory Administration of any agency or instrumentality of the Central or State Government;
- (k) **"Sanctioned Intake"** mean and imply the total number of seats sanctioned by the NMC for admitting students in MBBS in a Private Medical Institution including Institute under Private Universities;

- (l) **"State"** means the State of Meghalaya;
- (m) **"State Government"** means the Government of Meghalaya;
- (n) **"NMC"** means National Medical Commission, a statutory body constituted under the Act of Parliament.
- (o) **"MSCA"** means Meghalaya State Counselling Authority;
- (p) **"Unaided Institutions"** means a Private Medical Institution including Institute under Private Universities or Private Universities, not receiving financial aid or grant-in-aid from the State Government.

**Regulation of admission,
fixation of fee and making
of reservation**

3. (1) The State Government may regulate admissions, fix fees, and establish reservations for various categories in admissions to Private Medical Institution including Institutes under Private University within the State of Meghalaya.
- (2) The State Government shall ensure that admissions to Private Medical Institution including Institutes under Private University shall be based on *inter-se* merit determined by Common Entrance Test and as per the state reservation policy and domicile policy of the state.
- (3) The State Government shall ensure that admissions under all categories in such institutions are carried out in a fair and transparent manner.
- (4) The MSCA shall hold counselling, recommend the mode of admission based on reservation policy, seat allocation to admission in MBBS course in Private Medical Institution including Institutes under Private University.
- (5) The State Government shall take appropriate measures, as deemed necessary, to improve the admission process, regulate fee structures, and address any other matters necessary for the smooth operation of the system, including resolving grievances.
- (6) If the State Government determines that a private medical institution in Meghalaya has violated any provisions of this Ordinance, it may recommend to the appropriate State or Central Government Authority to withdraw the essentiality certificate, affiliation, permission or recognition of the institution.

**Constitution of Fee
Regulatory Committee**

4. (1) The Government shall, by notifying in the Gazette, constitute a Committee to be called the Fee Regulatory Committee for fixation of fees that may be charged from students who get admission in MBBS courses in Private Medical Institution including Institutes under Private University.
- (2) The committee shall consist of the following members namely -
 - a) a retired judge of High Court of Meghalaya - Chairperson.
 - b) Director of Health Services (Research) - Member.
 - c) a representative of the Meghalaya Medical Council — Member.

**Powers & Functions of
the Fee Regulatory
Committee**

- d) a representative from Higher & Technical Education - Member.
 - e) a Chartered Accountant of repute nominated by the Chairperson - Member.
 - f) the Joint Secretary, Finance Department - Member.
 - g) a representative from Law Department - Member.
 - h) The Commissioner & Secretary, Health & Family Welfare Department - Member Secretary.
5. (1) The Fee Regulatory Committee shall have the power to -
- a) require the medical institutions to place before the Committee the proposed fee structure of their institution with all relevant documents and books of accounts for scrutiny well in advance of the commencement of the academic year, not later than 31st December of the previous academic year;
 - b) verify whether the fee proposed by the institutions are justified and it does not amount to profiteering or charging of capitation fee;
 - c) approve the fee structure or determine some other fee which can be charged by the institutions.
- (2) The Fee Regulatory Committee shall have the power to regulate its own procedure in all matters arising out of the discharge of its functions, and shall, for the purpose of making any inquiry under this Act, have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely -
- a) summoning and enforcing the attendance of any witness and examining him on oath;
 - b) the discovery and production of any document;
 - c) the reception of evidence on affidavits;
 - d) the issuing of any commission for the examination of witness.
- (3) The fee determined by the Committee shall be binding on the Private Medical Institution including Institutes under Private University for a period of three years. At the end of the said period the institution would be at liberty to apply for revision. The fee so determined shall be applicable to a candidate who is admitted to an institution in that academic year and shall not be revised till the completion of his course in the said college. No Private Medical institutions shall collect a fee amounting to more than one year's fee from a candidate.
- (4) No person who is associated with any Private Medical Institution including Institutes under Private University shall be eligible for being a member of the Fee Regulatory Committee.
- (5) Subject to the pleasure of the authority competent to nominate, the term of the office of the nominated members shall be for a period of

two years from the date of their nomination and in the case of vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder of the term. The non-official members shall be eligible to draw such rate of sitting fee and Traveling Allowance as may be prescribed.

(6) No act or proceeding of the Fee Regulatory Committee shall be deemed to be invalid by the reason merely of any vacancy in, or any defect in the constitution of the committee.

(7) A member of the Fee Regulatory Committee shall cease to be so if he performs any act which in the opinion of the State Government is unbecoming of a member of the committee:

Provided that no such member shall be removed from the committee without giving him an opportunity of being heard.

(8) The Chairman shall preside over the meeting of the Fee Regulatory Committee and the Committee may adopt its own procedure as it deems fit.

**Constitution of Meghalaya
State Counselling
Authority**

6. (1) The Government shall, by notifying in the Gazette, constitute a Committee to be called the Meghalaya State Counselling Authority for holding counselling to recommend the mode of admission based on reservation policy, seat allocation to admission in MBBS course in Private Medical Institution including Institutes under Private University.

(2) The MSCA committee shall consist of the following members namely —

- a) Director of Health Services (Research) - Chairperson.
- b) Principal/Dean of the concerned Medical Institute - Member.
- c) Representative of Department of Social Welfare, Meghalaya - Member.
- d) Representative of Department of Higher & Technical Education, Meghalaya - Member.
- e) Representative of Department of Law, Meghalaya - Member.
- f) Additional Director of Health Services (MI) - Member Secretary.

**Eligibility criteria for
admission**

7. (1) The eligibility criteria for admission to a private medical institution including institute under private universities shall be such, as may be determined and notified by the National Medical Commission from time to time.

(2) Admission in private medical institutions including institutes under private universities, shall be made on the basis of the inter-se merit of the candidates, determined in accordance with the NEET.

(3) Admission in Private Medical Institution including Institutes under Private University against Government quota seats shall be governed by the state reservation and domicile policy of the state.

Allocation of seats

8. (1) A Private Medical Institution including Institutes under Private University may reserve up to Fifty percent (50%) seats to the total sanctioned intake as a management category quota of seats with statutory reservations as may be determined by the state Government.
- (2) Reservation of seats - Reservation of seats in Private Medical Institution including Institutes under Private University shall be as per the extant reservation policy of the state notified *vide* No. PER.222/71/138, dated 12th January, 1972.

Factors for determination of Fee

9. (1) The Fee Regulatory Committee while recommending to the State Government, shall determine the fee to be charged by a Private Medical Institution including Institutes under Private University, after taking into account the following factors:-
- a) the location of the institution;
 - b) the cost of land and building;
 - c) the available infrastructure and equipment;
 - d) the expenditure incurred or being incurred on faculty, administration and maintenance;
 - e) the reasonable profit, required for the growth and development of the institution; and
 - f) any other relevant factor, which the Fee Regulatory Committee deems just and appropriate for the determination of fee.
- (2) Before determining fee under sub-section (1), the Fee Regulatory Committee shall give the concerned Private Medical Institutions including institutes under private universities a reasonable opportunity to express their view-points in writing in respect to the fee determination.
- (3) Notwithstanding anything contained in sub-clauses (1) and (2), the State Government may, in public interest, prescribe a provisional fee structure by any Committee for the time being until the Fee Regulatory Committee specified under clause 4 is in place.
- Provided that the fee shall be fixed in accordance with the provisions of sub-clause (1) within a period of ninety days.

Mechanism for dealing with violations

10. (1) The State Government shall, by notification, appoint a nodal officer not below the rank of a Joint Secretary, Health & Family Welfare Department for entertaining complaints with regard to the contravention of the provisions of this Ordinance or any notification issued thereunder.
- (2) The State Government may also take a *suo-moto* notice of the contravention for the provisions of this Ordinance or any notification issued thereunder.
- (3) The State Government may cause an enquiry to be made by an officer not below the rank of Joint Secretary, Health & Family Welfare

Department into the allegations of contraventions of provisions of this Ordinance levelled by the complainant or on its *suo-moto* initiative and take the following actions, namely: -

- a) direct the complainant to furnish additional information or an affidavit in support of his allegations; or
- b) take such actions, as it may deem it appropriate, keeping in view the facts and circumstances of the case;

Provided that actions taken under this sub-clause may include but not limited to issuing a notice to the concerned medical institution to amend or remove any provisions in its rules, regulations, or practices that contravene the provisions of this Ordinance; or

- c) file the complaint, if in its opinion, it is a vexatious, anonymous or Pseudonymous complaint.
- (4) For conducting an enquiry under sub-section (3), a summary procedure shall be followed and the enquiry shall be completed within a period of sixty days.
- (5) The Nodal Officer shall have the powers of a civil court to access, obtain and scrutinize the records of the Private Medical Institution including Institutes under Private University as well as summoning of any person or any relevant official record, which he may deem necessary.

Penalties

11. (1) The State Government if it is satisfied that a Private Medical Institution including Institutes under Private University has contravened any of the provisions of this Ordinance or any notification issued thereunder, take any or all of the following actions, namely: -
- a. on the first contravention issue a notice of warning to the Private Medical Institution including Institutes under Private University;
 - b. on the second contravention, recommend the withdrawal of affiliation or recognition of such institution from the University or any other authority or body to which such institution is affiliated or recognised;
 - c. on subsequent contravention, impose a fine on such institution, which may extend to fifteen times of the excess fee charged and the State Government can withdraw the essentiality certificate;
 - d. direct such institution to cancel the admission or registration of a student, who has been admitted to such institution in contravention of the provisions of this Ordinance or the notification issued thereunder; and

e. direct such institution to admit a student to whom admission has been wrongly denied.

(2) Before taking any action under sub-clause (1), a reasonable opportunity of being heard shall be provided to such institution by the State Government.

Bar of jurisdiction of Civil Court

12. No Civil Court shall have jurisdiction to entertain, adjudicate, or decide any matter or question that falls within the authority of the Fee Regulatory Committee as empowered by or under this Ordinance.

Appellate Authority

13. The Commissioner & Secretary to the Government of Meghalaya, Health & Family Welfare Department shall be the appellate authority to deal with the matters related to admission arising from the action of Nodal Officer.

Powers of the State Government to issue directions

14. The State Government may, from time to time, issue to the Private Medical Institution including Institutes under Private University such directions, as in its opinion, are necessary or expedient for carrying out the purposes of this Ordinance and the notifications issued thereunder, and such institutions shall comply with the directions.

Power to remove difficulties

15. (1) If any difficulty arises in giving effect to any of the provisions of this Ordinance, the State Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Ordinance.

(2) Every order made under this clause, shall be laid as soon as may be, after it is made, before the State Legislature.

Protection of action taken in good faith

16. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or employee of the State Government or any other person or authority, authorized by the State Government for anything, which is done or intended to be done in good faith under this Ordinance or the notification issued thereunder.

Power to make rules

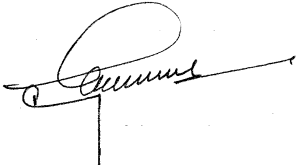
17. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:-

a) the manner of admission and allocation into MBBS course under sub-clause (1) & (2) of Clause 3 and Clause 8;


- b) the manner of determining of fees to be charged by the Private Medical Institution including Institutes under Private University under section 9.
 - c) the honorarium and allowances payable to the members of the Fee Regulatory Committee;
 - d) any other matter which is required to be or may be prescribed.
- (3) Every rule made under this Ordinance, shall be laid as soon as may be, after it is made before the State Legislature.

Dated Raj Bhavan,
Shillong, the 15th November, 2024.



C. H. VIJAYSHANKAR,
GOVERNOR OF MEGHALAYA.

Dated Shillong,
The 18th November, 2024.



S. K. SANGMA,
Deputy Secretary to the Govt. of Meghalaya,
Law (B) Department.